

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN SEYMORE,	:
Plaintiff	:
v.	: Civil Action No. 04-279J
JOANNE B. BARNHART, COMMISSIONER	:
OF SOCIAL SECURITY,	:
Defendant	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 4, 2006, docket no. 16, recommending that the defendant's motion for summary judgment, docket no. 14, be granted, the plaintiff's motion for summary judgment, docket no. 11, be denied, and the decision of the Commissioner affirmed.

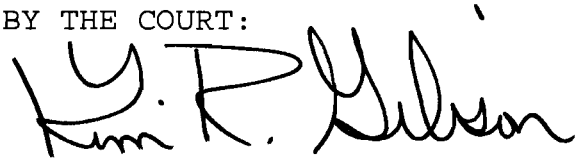
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter and the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 20<sup>th</sup> day of April, 2006, it is

ORDERED that the defendant's motion for summary judgment, docket no. 14, is granted, the plaintiff's motion for summary judgment, docket no. 11, is denied, and the decision of the Commissioner is affirmed. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a large initial "K".

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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

J. Kirk Kling, Esquire  
630 Pleasant Valley Boulevard, Suite B  
Altoona, PA 16602

John J. Valkovci, Jr., Esquire  
224 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901